



WATER RESOURCE DISTRICTS

Approved by Mayor and City Council June 17, 2002

Purpose. The intent of this article is to establish minimum development standards and criteria, which will afford reasonable protection of environmentally sensitive natural resources found throughout the City. Based on the findings of the City of Carrollton Comprehensive Plan, it has been determined the wise management of these resources as defined in this ordinance is essential to maintaining the health, safety, general welfare and economic well being of the public.

Establishment of Water Resource Districts. The Water Resource Districts shall include the following:

- Groundwater Recharge Area District
- Wetlands District
- Water Supply Watershed District
- River Corridor Protection District

The boundaries of these Water Resource Districts are shown on a set of maps designed as "Water Resource Districts" and are included as part of this Ordinance which is on file with the City Manager's office located at 315 Bradley Street, Carrollton, Georgia.

These "Water Resource Districts" are established measures to guide future growth and development in "environmentally sensitive areas." Because these protective measures allow some latitude with land uses and because these districts are not intended to prescribe a specific land use but rather to define the range of acceptable land uses, these districts are designated as overlay districts.

Definitions. In addition to the definitions provided elsewhere in this Ordinance, the following definitions shall apply to all water resource districts (see additional definitions for the River Corridor Protection District):

Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Buffer. A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed or river corridor. The buffer may be thinned or trimmed as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left to sufficiently keep shade on the tributary, stream, or other water body.

Corridor. All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setbacks located elsewhere in this ordinance.

DRASTIC. The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. The DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.

Environmentally Sensitive Areas. All those areas adjacent to and within wetland areas, groundwater recharge areas, river corridors, and reservoirs or perennial streams within a water supply watershed as described herein.

Generalized Wetlands Map. The current U.S. Fish and Wildlife Service National Wetlands Inventory maps for Carrollton, Georgia.

Hazardous Waste. Any solid waste, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health or any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency has developed a list of hazardous wastes based upon corrosivity, reactivity and toxicity.

Impervious Surface. A man-made structure or surface preventing the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

Jurisdictional Wetland. An area that meets the definition requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Perennial Stream. A stream that flows throughout the whole year as indicated on United States Geological Survey (USGS) Quadrangle Map

Pollution Susceptibility. The relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low ground water pollution potential.

Recharge Area. Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Regulated Activity. Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Reservoir Boundary. The edge of a water supply reservoir defined by its normal pool level.

River/Stream Bank. The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

Significant Recharge Area. Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 19 (1998) edition. Mapping of recharge areas is based on

outcrop area, lithology, soil type, thickness, slope, density or lithologic contacts, geologic structure, presence of karst, and potentiometric surfaces. Significant recharge areas are as follows in the various geologic provinces of Georgia.

In the Piedmont and in the Blue Ridge, rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge occurs in those with thicker soils. Field mapping indicates thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than 8%.

Large Water Supply Watershed. A watershed containing 100 or more square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Small Water Supply Watershed. A watershed containing less than 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Utility. Public, private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

Water Supply Reservoir. A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Wetlands. Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation.

Groundwater Recharge Area District.

Finding of Fact. Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluents contribute to a deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.

Purpose. The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

District Delineation. The Groundwater Recharge Area Districts are hereby established which shall correspond to all lands within the jurisdiction of Carrollton, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources' in Most Significant Recharge Areas of Georgia, Hydrological Atlas 18 (1989 Edition). In addition, each recharge area shall be determined to have a pollution susceptibility rating of high, medium, or low based on the Ground-water Pollution Susceptibility Map of Georgia, Hydrologic Atlas 20, 1992. Said maps are hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto. Standards for this district shall comply with the DNR Rule 391-3-16-.02, Criteria for the Protection of Groundwater Recharge Areas.

Protection Criteria and Permitted Uses. All uses allowed in the underlying zoning districts are permitted in the Groundwater Recharge Area Protection District. The following are additional requirements for specific uses in the Groundwater Recharge Area Protection District:

- A. All new above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have the secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
- B. New agricultural waste impoundment sites shall be lined if they are within:
 - 1. A high pollution susceptibility area.
 - 2. A medium pollution susceptibility area and exceed 4.9 million gallons (15 acre/feet) in size; and
 - 3. A low pollution susceptibility area and exceed 16.3 million gallons (50 acre/feet) in size.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resources Conservation Service (formerly known as the U.S. Soil Conservation Service).

- C. All private wastewater facilities, including privies, cesspools, and septic tanks, are prohibited in all areas where public sewers are available as established in the City of Carrollton's Sewer Use Ordinance, which is hereby incorporated and made a part of this ordinance by reference. The Ordinance requires that all owners of houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City of Carrollton jurisdiction and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the City of Carrollton is hereby required at the owner's expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the Sewer Use Ordinance, within thirty (30) days after date of official notice to do so, provided that said sewer is within 100 feet of the property line.

- D. An exception to the Sewer Use Ordinance is made for the Estate Residential District (ER) established in the City of Carrollton's Zoning Ordinance, which is hereby incorporated and made a part of this ordinance by reference. In the ER district the following use is provided: new single-family residences, except mobile homes and modular homes, shall have a minimum lot size of three (3) acres with provisions for on-site sewage disposal permitted with a permit from the Carroll County Health Department prior to installation.
- E. Lots of Record approved prior to the adoption of the Sewer Use Ordinance are hereby exempt from the requirements of (C) and (D) of this section; however, if said private waste water facilities fail, these properties will be required to connect to the City of Carrollton's sanitary sewer system.
- F. No construction shall proceed on any residence, within the ER district, unless the Carroll County Health Department first approves the proposed septic tank as meeting the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management (herein after DHR Manual), and (C) and (D) of this section.
- G. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one day, shall perform their operation on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention requirements.
- H. Any new wastewater treatment basins shall have an impermeable liner.
- I. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

Wetlands District.

Findings of Fact. The wetlands within the City of Carrollton are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; natural resource education; scientific study; and recreation opportunities. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piece meal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

Purpose. The purpose of this district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, flood plain and erosion control, ground water recharge, aesthetic natural

areas and wildlife habitat areas. This ordinance is to promote wetland protection, while taking into account varying ecological, economic development, recreation and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practical as determined through the permitting process.

District Delineation. These regulations shall apply to all lands within wetlands located within the City of Carrollton. The Wetland District Overlay Map, adopted as part of this ordinance, shows the general location of wetlands, according to the 1987 U.S. Fish and Wildlife Service National Wetlands Inventory Maps. These maps shall be referred to as the Generalized Wetlands Maps and are hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The Generalized Wetlands Maps do not necessarily represent the boundaries of jurisdictional wetlands within Carrollton, Georgia and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. No local government action under this ordinance relieves the landowner from federal or state permitting requirements.

Wetland Development Permit Requirements. No regulated activity will be permitted within the Wetlands Protection District without written permission or a permit from the City of Carrollton, Georgia. If the area proposed for development is located near or in close proximity to a Wetland Protection District boundary, as determined by the Zoning Administrator, a U.S. Army Corps of Engineers determination shall be required. If the corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until Section 404 Permit or Letter of Permission is issued.

Permitted Uses. The following uses are permitted by right within the Wetland District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging except as provided herein. The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual Section 404 Permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances:

1. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in the Clean Water Act.
2. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.
3. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
4. Natural water quality treatment or purification.

5. Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

Prohibited Uses. The following uses are prohibited in a Wetland District:

1. Receiving areas for toxic or hazardous waste or other contaminants.
2. Hazardous or sanitary landfills.

Water Supply Watershed District

Findings of Fact. In order to provide for the health, safety, welfare of the public and a healthy economic climate within the City of Carrollton and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter storm water runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, storm water runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby drinking water supplies.

Purpose. The purpose of this section of the water resource district ordinance is to establish measures to protect the quality and quantity of the present and future water supply for the City of Carrollton, which will minimize the transport of pollutants and sediment to the water supply, and maintain the yield of the water supply watersheds. This ordinance shall apply to all existing and proposed water supply watersheds within the City.

District Delineation. The City of Carrollton's Water Supply Watershed district is hereby designated, and shall comprise the land areas, which drain to the City of Carrollton's water supply intake on the Little Tallapoosa River. The ridgelines of the respective watersheds and the boundary of a radius seven (7) miles upstream of the respective water supply intake define the boundary of this district. This district shall be further delineated and defined on the Water Resource District Map of the City, which is hereby incorporated and made a part of this ordinance by reference.

The following water supply watershed districts and reservoirs are hereby defined and boundaries shall be identified on the Water Resource District Map:

Existing Large Water Supply Watersheds

There are none at the present time.

Existing Small Water Supply Watersheds

1. Little Tallapoosa River Watershed from the City's intake, encompassing a 97 square mile area.

An intake for the City of Carrollton is located on this river. This water supply watershed contains three (3) reservoirs (see the table below) either owned in whole or in part by the City of Carrollton, all of which are covered in Carrollton's DNR Approved Reservoir Management Plan dated June 1992. Because the three reservoirs were placed in use at different times over the past forty years, use restrictions and buffer requirements vary for each reservoir.

Reservoir Name	Purpose	Jurisdiction and Buffers	Recreational Restrictions
Sharpe's Creek	Storage impoundment to supplement raw water supply requirements during low flow, drought periods.	Carrollton controls the Lake and a 100-foot easement around the lake. Carroll County enforces a 150-foot buffer. Has been in use since 1992.	Recreation for residence only. No motors with open exhaust; however, gasoline motors are allowed with a permit from the City of Carrollton's Parks, Recreation, and Cultural Arts Department. Other restrictions listed in the reservoir management plan dated June 1992.
Lake Carroll	Storage impoundment to supplement raw water supply requirements during low flow, drought periods as a last resort only .	Carrollton controls the Lake and a small percentage of land for use as parkland and public docking. Has been in use since the mid-1960's. The City currently and will continue to enforce a 25-foot buffer as mandated in the Erosion and Sedimentation Control Ordinance.	Recreation for residence and the general public. No motors with open exhaust; however, gasoline motors are allowed with a permit from the City of Carrollton's Parks, Recreation, and Cultural Arts Department. Other restrictions listed in the reservoir management plan dated June 1992.

Lake Buckhorn	Storage impoundment to supplement raw water supply requirements during low flow, drought periods.	<p>Carrollton controls the top 10 feet of water volume.</p> <p>This was arranged through the U.S. Dept. of Agriculture, Soil Conservation Service in the mid-1960's.</p> <p>Carroll County currently enforces a 25-foot buffer.</p>	<p>The City of Carrollton does not own the reservoir land and does not exercise any regulations on the other uses of the reservoir.</p> <p>Therefore, the City has no restrictions on the recreational uses of the reservoir and does not control a buffer strip around the reservoir.</p>
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There are no planned Large or Small Future Water Supply Watersheds at the present time within the city limits of the City of Carrollton.

Permitted Uses. The following regulations shall apply to the Little Tallapoosa Water Supply Watershed, which is identified on the Water Resource District Map. All uses, which are lawful at the time of adoption of this Ordinance, shall be allowed to continue as lawful land uses until such time as the use is abandoned, as defined in the City Zoning Ordinance for non-conforming uses. All uses allowed in the underlying zoning districts as established by this Ordinance and Carroll County Ordinances, except those listed below in Prohibited Uses, are permitted in the Water Supply Watershed District, subject to the following conditions and standards:

A. Stream Corridor Criteria

1. The perennial stream corridors of Carrollton's Small Water Supply Watershed, within a seven (7) mile radius upstream of the public drinking water supply intake and the water supply reservoirs, are protected by the following criteria:
 - a. A natural buffer shall be maintained for a distance of 100 feet on both sides of all perennial streams as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 150-foot setback on both sides of all perennial streams as measured from the stream bank.
 - c. Septic tanks and septic tank drainfields are prohibited in the setback area of (b) above.
2. The perennial stream corridors of Carrollton's Small Water Supply Watershed, outside a seven (7) mile radius upstream of the public drinking water supply intake and the water supply reservoirs, are protected by the following criteria:
 - a. A natural buffer shall be maintained for a distance of 50 feet on both sides of all perennial streams as measured from the stream banks.

- b. No impervious surface shall be constructed within a 75-foot setback on both sides of all perennial streams as measured from the stream bank.
- c. Septic tanks and septic tank drainfields are prohibited in the setback area of (b) above.

B. Reservoir Management Plan Criteria

- a. Prohibitions or restrictions on all or some to the following recreational uses (swimming, fishing, boating, docks, and public access) are addressed in the City of Carrollton's DNR-approved Reservoir Management Plan dated June 1992. These restrictions were developed to protect the water quality of the three reservoirs for drinking purposes while optimizing their recreational benefits.
- b. Because the three reservoirs were placed in use at different times over the past forty years, use restrictions and buffer requirements vary for each reservoir.
- c. All new reservoirs shall have a buffer for a distance of 150 feet from the reservoir boundary and shall have prohibitions or restrictions on all of some of the recreational uses listed above, to protect the water quality for drinking purposes.
- d. At such time in the future, if the land use changes at Lake Carroll result in a more concentrated use of the lake, then the City will address imposing more restrictive recreational measures in order to continue to preserve the water quality of the reservoir.

C. The following criteria apply to all locations within Carrollton's Small Water Supply Watershed.

- 1. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
- 2. New hazardous waste treatment or disposal facilities are prohibited.
- 3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
- 4. New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

Exemptions. The following uses are exempt from the stream corridor buffer and setback requirements if they meet the stipulated conditions:

A. Utilities

1. Utilities shall be located as far as reasonably possible from the stream bank and shall not impair the quality of the drinking water system.
2. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as best as reasonably possible.

B. Forestry, Agricultural and Mining Activities

1. Agricultural activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the Georgia Department of Agriculture and USDA.
2. Forestry activities must conform to the best management practices established by the Georgia Forestry Commission.
3. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
4. The activity shall not impair the quality of the drinking water stream.

River Corridor Protection

Findings of Fact. River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia by helping to preserve the qualities, which make a river suitable as a habitat for wildlife, a site for recreation and a source of clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb floodwaters.

Purpose. The purpose of this ordinance is to establish measures to guide future growth and development in the areas adjacent to the Little Tallapoosa River as defined herein.

Definitions.

Hazardous Waste. Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effective on February 1, 1998, codified as 40 C.F.R. Section 261.3. (Note: this is the same definition as used in the Georgia Hazardous Waste Management Act.)

Land Disturbing Activity. Any grading, scraping, excavating, filling of land; clearing of vegetation; and any construction, rebuilding or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling and the cutting of firewood for personal use.

Natural Vegetative Buffer or Buffer Area. A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, “The Natural Environments of Georgia.” Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

Perennial River. A river or section of a river that flows continuously throughout the year.

Port facility. Any facility for the docking, loading and unloading of ships.

Protected River. Any perennial river or watercourse with an average annual flow of at least 400-cubic feet per second as determined by appropriate U.S. Geological Survey documents. However, those segments of river covered by the Metropolitan River Protection Act or Coastal Marshlands Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limits of the jurisdiction of the Coastal Marshlands Protection Act.

Public Utility or Utilities. A service or services provided by a public utility company or a private entity, which provides such service or services and all equipment and structures necessary to provide such services.

River Bank. The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River Corridor. All the land inclusive of islands, not regulated under the Metropolitan River Protection (O.C.G.A. 12-5440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks.

Sensitive Natural Area. Any area, as defined now or hereafter by the Department of Natural Resources, which contains one or more of the following:

1. Habitat, including nesting sites, occupied by rare or endangered species;
2. Rare or exemplary natural communities;
3. Significant landforms, hydroforms or geological features; or
4. Other areas so designated by the Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

Single-Family Dwelling. A dwelling structure designed for the use of one family (as defined in the City Zoning Ordinance).

Establishment of the Little Tallapoosa River Corridor Protection District

The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbanks, on each side of the river, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of bank and the edge of the river shall be treated by the local governments in the same manner as the river corridor and shall be included within the River Corridor Protection District.

Because stream channels move due to natural processes such as meandering, river bank erosion and jumping of channels, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the City of Carrollton's Comprehensive Plan. Any shift in the location of the protected river corridor after the review period will be shown by revision of the boundaries of the river corridor at the time of the next Comprehensive Plan review by the Department of Community Affairs.

General Protection Criteria. The standards and requirements in this ordinance do not supercede those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection Act and the Erosion Sedimentation Control Act. Within the Little Tallapoosa River Corridor Protection District the following shall be the general criteria used to protect this vital water resource:

1. Construction within the buffer area is prohibited except as provided herein.
2. A natural vegetative buffer shall be maintained at all times in the river corridor, except as otherwise provided herein.
3. The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity.
4. Septic tank and septic tank drain fields are prohibited in the river corridor, except as expressly provided in General Protection Criteria, number 5 of this ordinance.
5. Single family dwellings including the usual appurtenances are permitted in the buffer area subject to the following conditions:
 - A. The dwelling shall be in compliance with all local zoning regulations.
 - B. The dwelling shall be located on a tract of land, zoned Estate Residential ER, containing at least three acres. For purposes of these standards, the size of the tract of land shall not include any area that lies within the protected river, (for tracts of land that include portions of a protected river, the area between the river banks can not be counted towards the three acre minimum size).
 - C. There shall be only one such dwelling on each three-acre or larger tract of land.
 - D. A septic tank or tanks serving such dwelling may be located within the buffer area. However, septic tank drainfields shall not be located within the buffer area. All septic tank systems within the river corridor area shall

be designed as closed system. Whereby, no drainage from the septic system drainfield leaches into the buffer area.

6. Industrial and commercial land uses existing in the river corridor prior to the promulgation of this ordinance are exempt from the criteria contained herein, provided that:
 - A. These uses do not impair the drinking quality of the river water.
 - B. These uses meet all state and federal environmental rules and regulations.
7. The construction of road crossings and utility crossings is permitted in the river corridor, provided such construction meets all requirements of the Erosion and Sedimentation Control Act of 1975 as amended, and all applicable local ordinances on soil erosion and sedimentation control.

Permitted Uses. The following uses are permitted in the river corridor, provided that such uses do not impair the long-term functions of the protected river or river corridor:

1. Timber production and harvesting, subject to the following conditions:
 - A. Forestry activity shall be consistent with the best management practices established by the Georgia Forestry Commission; and
 - B. Forestry activity shall not impair the drinking quality of the river water as defined by the Clean Water Act, as amended.
2. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.
3. Wastewater treatment and water treatment.
4. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would but a hard-surface tennis court would not be consistent with this criterion. A parking lot would not be consistent with this criterion. Non-concrete nature paths and natural walking paths or walkways within the river corridor would be consistent with this criterion.
5. Natural water quality treatment or purification.
6. Agricultural production and management subject to the following conditions:
 - A. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission; and
 - B. Agricultural activity shall not impair the drinking quality of the river water as defined by the Clean Water Act, as amended; and

- C. Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.
- 7. Other uses permitted by the DNR or under Section 404 of the Clean Water Act.

Prohibited Uses within the River Corridor.

- 1. Handling areas for the receiving and storage of hazardous waste.
- 2. Hazardous waste or solid waste landfills.

Exemptions. The following uses are exempted from the river corridor protection plan:

- 1. Land uses existing prior to the promulgation of the City River Corridor protection district. For the purposes of this ordinance a pre-existing use is defined as any land disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance falls within one of the following categories:
 - A. The use is completed;
 - B. The use is under construction;
 - C. The use is fully approved by the governing authority;
 - D. The materials have been submitted for approval by the governing body for the purposed use; or
 - E. The use is legally zoned and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- 2. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- 3. Utilities, (except as stated in General Protection Criteria, #7), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local governing body), provided that:
 - A. The utilities shall be located as far from the river bank as reasonably possible;
 - B. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - C. Utilities shall not impair the drinking quality of the river water.
- 4. Specific forestry and agricultural activities except as discussed in the Permitted Uses #1 and #6.

Administration and Enforcement

- A. Site Plans.** Application for a local development permit within the: Groundwater Recharge Area, Wetlands, Water Supply Watershed or River Corridor Protection Districts shall include a site plan, drawn as specified in the City Developer's Guide, with the following information:
1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal and vertical scale shall be shown on the cross-sectional drawings.
 2. A map of any wetland boundaries occurring within the site shall be provided. This boundary may be included on other maps provided by the applicant.
 3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
 4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
 6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 7. All proposed temporary disruptions or diversions of local hydrology.
- B. Activities to Comply with the Site Plan.** All development activities or site work conducted after approval of the site plan shall conform to the specification of said site plan. Significant changes to the site plan that would alter the amount of impervious surface within the development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Community Development Director and/or the City Engineer.
- Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are not exempted from this requirement.
- C. Exemptions to the Site Plan Requirements.** The following activities and developments are exempt from the requirement for detailed site plans, but must meet all conditions associated with obtaining a building permit:
1. Single family detached homes constructed on a single lot within an existing subdivision.

2. Repairs to a facility that is part of a previously approved and permitted development.
3. Construction of minor structures, such as sheds or additions to a single-family residence.

D. Review Procedures. The application shall be made to the Community Development Director and will be reviewed within 15 days. At the time of the application, the applicant shall pay a site plan review fee. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations, as deemed necessary by the Community Development Director. The review period shall include the preparation of findings including: approval, approval with conditions or disapproval by written notification of the findings of the Community Development Director and/or the City Engineer. Decisions of the Community Development Director and/or the City Engineer may be appealed to the Mayor and City Council.

E. Duration of Permit Validity.

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date the work has ceased.
3. Written notice of pending expiration of the development permit shall be issued by the Building Official.

F. Penalties

1. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Mayor and City Council or their designee.
2. When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practical, at the discretion of the Mayor and City Council or their designee.
3. If the Community Development Director discovers a violation of this ordinance that also constitutes a violation of any provisions of the Clean Water Act as amended, the City shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

G. Suspension and Revocation. The Community Development Director and/or City Engineer may suspend or revoke a permit if he or she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the

scope of the work set forth in the permit. Any appeals of said suspension or revocation shall be addressed by the Board of Development Appeals as specified in Article XV of the City of Carrollton Zoning Ordinance.